

## REMARKS

Applicant submits this Amendment in reply to the Office Action mailed April 11, 2007.

By this Amendment, Applicant amends the specification, cancels claim 5, without prejudice or disclaimer, and amends claims 1, 4, 6, and 22. The originally-filed specification, drawings, and claims fully support the subject matter of amended claims 1, 4, 6, and 22. No new matter has been introduced.

Before entry of this Amendment, claims 1-35 were pending in this application, with claims 24-35 having been withdrawn from consideration. After entry of this Amendment, claims 1-4 and 6-35 are pending in this application, with claims 24-35 still having been withdrawn from consideration.

On page 2 of the Office Action, the specification was objected to. Applicant has amended the specification as suggested by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the specification objection.

On page 2 of the Office Action, the drawings were objected to. Applicant has amended the claims to obviate the objection. Accordingly, Applicant respectfully requests withdrawal of the drawing objection.

On pages 3-5 of the Office Action, claims 1-4, 7-10, 13, and 19-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,879,336 to Brinon ("Brinon"). As independent claim 1 has been amended to include the subject of cancelled dependent claim 5, which was not rejected over Brinon, Applicant asserts that this rejection is now moot.

On pages 5-6 of the Office Action, claims 1, 2, 4-7, 13, and 19-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,346,704 to Kulle ("Kulle"). Applicant respectfully traverses this rejection.

Kulle does not disclose the claimed invention. For example, independent claim 1 recites a sterile sheath for an injection syringe including, among other aspects, "wherein an interior of the sterile sheath is configured to receive the entire injection syringe." Kulle does not disclose at least this aspect of independent claim 1 either alone or in combination with the other aspects of independent claim 1.

As shown in Fig. 2 of Kulle, tapered end 50 of a syringe is inserted into rear end 47 of inlet tube 45 of one-way valve housing. As the outline of the injection syringe in Fig. 2 shows that the injection syringe is much larger than the entirety of one-way valve housing 14, one-way valve housing 14 is clearly not capable of receiving the entire injection syringe as set forth in independent claim 1.

For at least this reason, Applicant respectfully requests withdrawal of the Section 102(b) rejection based on Kulle.

On pages 6-9 of the Office Action, claims 11, 12, 14-16, 17-18, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over one or more of Brinon, Kulle, and U.S. Patent No. 4,713,060 to Riuli ("Riuli") At least because none of these rejections are cited as remedying the aforementioned deficiencies of Kulle, Applicant respectfully requests withdrawal of the Section 103(a) rejections.

Additionally, independent claim 1 recites a sterile sheath for an injection syringe including, among other aspects, "a sealed casing made of plastic." Case 13 of Brinon is not sealed, as cover 20 includes opening 19 and "pushbutton 18 is pierced to admit air

into the reservoir above the moving plug so that atmospheric pressure acts on the moving plug.” (Column 3, lines 21-23 of Brinon). Indeed, to seal case 13 of Brinon may impede movement of plug 17, preventing a user from accurately gauging the level of liquid in reservoir 7, and thus impermissibly render the invention of Brinon unsatisfactory for its intended purpose. See In re Gordon, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984).

Claims 2-4 and 6-23 depend from independent claim 1, and are therefore allowable for at least the same reasons that independent claim 1 is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by Brinon, Kulle, or Riuli, and therefore are separately patentable.

In view of the foregoing remarks, Applicant submits that this claimed invention, as-amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry and consideration of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of pending claims 1-4 and 6-23.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification and claims in this Amendment, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the

drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.


Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 9, 2007

By: \_\_\_\_\_

  
Michael W. Kim  
Reg. No. 51,880